

1 **Marquis Aurbach Coffing**
2 Craig R. Anderson, Esq.
3 Nevada Bar No. 6882
4 10001 Park Run Drive
5 Las Vegas, Nevada 89145
6 Telephone: (702) 382-0711
7 Facsimile: (702) 382-5816
8 canderson@maclaw.com
9 Attorney for Defendant Ofc. Tompkins

10
11 **UNITED STATES DISTRICT COURT**
12
13 **DISTRICT OF NEVADA**

14 8 JUAN SOLIS-DIAZ, individually,

15 Case Number:
16 2:12-cv-619-JAD-GWF

17 Plaintiff,

18 vs.

19 11 OFFICER S. TOMPKINS, employee of the
20 12 Las Vegas Metropolitan Police Department in
13 his official capacity and in his individual
14 capacity; and DOES 1-10 inclusive,

15 **STIPULATION AND ORDER**
16 **REGARDING EVIDENTIARY ISSUES**

17 Defendants

18
19 Defendant Officer Scott Tompkins, by and through his attorney of record, Craig R.
20 Anderson, Esq. of Marquis Aurbach Coffing, and Plaintiff Juan Solis-Diaz, by and through
21 his attorney of record, Kirk T. Kennedy, Esq., hereby stipulate as to the following
22 evidentiary issue:

23 1. In June 2011, plaintiff was acquitted of all criminal charges related to the
24 incident giving rise to this 42 U.S.C. §1983 litigation.

25 2. At the criminal trial, percipient witnesses Latoya Toalepai and Phillip
26 Redmond testified as eye witnesses to the event.

27 3. At the criminal trial, Kirk Kennedy, Esq., plaintiff's civil counsel, personally
28 cross-examined both witnesses.

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11 Las Vegas, Nevada 89145
12 FAX: (702) 382-5816
13 (702) 382-0711

1 4. The parties agree that both witnesses are unavailable to testify at trial.
2 Defendant has unsuccessfully attempted to serve both witnesses and obtain their current
3 addresses.

4 5. The parties stipulate and agree that pursuant to Rule 804(b)(1) of the Federal
5 Rules of Evidence, the criminal trial testimony of both witnesses is admissible and can be
6 read/used at the civil trial.

8 6. The parties agree that both Toalepai's and Redmond's criminal trial
9 testimony will be read in its entirety to the jury.

10 IT IS SO STIPULATED this 21st day of December, 2016.

11 MARQUIS AURBACH COFFING KIRK T. KENNEDY

By: s/Craig R. Anderson
Craig R. Anderson, Esq.
Nevada Bar No. 6882
10001 Park Run Drive
Las Vegas, Nevada 89145
Attorney for Defendant Ofc. Tompkins

By: s/Kirk T. Kennedy
Kirk T. Kennedy, Esq.
Nevada Bar No. 5032
815 South Casino Center Blvd.
Las Vegas, Nevada 89101
Attorney for Plaintiff

IT IS SO ORDERED this 10th day of January, 2016

United States District Court Judge